

Montana State Parks and Recreation Board Policy



Acquisition and/or Transfer of Interests in Lands

Chair Approval

Effective Date

Review Date

(Revised 5/31/2015)

Board Policy

The acquisition or transfer of interest in land associated with Montana State Parks must meet specific criteria and conditions prior to the Montana State Parks and Recreation Board considering a proposed project for action. This policy shall apply to all proposed fee title or permanent easement acquisitions or donations, as well as any proposed transfer or discharge of interests in lands or easements.

Purpose

This policy identifies the criteria and approach to land acquisition or transfer, including easements, for staff and the Montana State Parks and Recreation Board (Park Board) consideration as part of any real property decisions.

Background

Montana State Parks and the Park Board are responsible for screening proposals for potential new park sites or additions to existing parks to assure appropriate land resources are added to the system. All lands or interests in lands must meet the separate evaluation criteria for Significance, Relevance, and Accessible.

Historically, land acquisitions of all types within the park system have been inconsistent and without policy guidance. Sites have been acquired without the foresight for future development needs, the long-term maintenance and staffing costs, and similar considerations. Additionally, numerous land holdings within the Parks Division may in fact be more appropriately managed by other public entities. Policy guidance for the transfer of interests in lands is also defined in this document. Decisions to acquire or transfer an interest in park lands have long-term implications which require more formal considerations to better balance competing interests and the overall needs of the parks system.

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Real property interests within the park system typically fall into two categories: fee title land holdings (including donations) and easements.

Additionally, a category of land holdings exists, defined as 'Affiliated Lands'. These are interests in lands (both fee title and easements) which are administratively attached to the parks division but not actively managed as state park sites. In some cases the sites are managed by other public entities. In other cases the sites are not actively managed.

The policy shall address the following (4) most common areas of park lands;

1. Acquisition of Interests in New Park Lands.
2. Acquisition of In-holdings and Adjacent Park Lands.
3. Misc. Easements.
4. Transfer of Lands or Interests in Lands

1. Acquisition of Interests in New Park Lands

There are several criteria the Board and staff shall consider prior to advancing a proposed land interest project to the point of public comment through official Board action.

There shall be three primary criteria considered for future acquisitions. They are;

- a. **Significance** – the proposed acquisition must meet the criteria/attributes established and shall represent the natural, scenic, historic, cultural, scientific, and recreational legacy of Montana's heritage *[Note: the term/definition of 'significance' as it pertains here is likely to be further refined/modified related to the State Parks Strategic Planning process currently in-work].*
- b. **Relevance** – the proposed acquisition must meet the criteria/attributes established and shall provide (or have the potential to provide) relevant programs and experiences which create lasting memories for Montana families, visitors to the state, and support to Montana's tourism industry *[Note: the term/definition of 'relevance' as it pertains here is likely to be further refined/modified related to the State Parks Strategic Planning process currently in-work].*
- c. **Accessible** – the proposed acquisition must meet the criteria/attributes established and shall be accessible to all potential visitors, regardless of wealth, physical ability, or location in the state *[Note: the term/definition of 'accessible' as it pertains here is likely to be further refined/modified related to the State Parks Strategic Planning process currently in-work].*

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If a proposed site or parcel of land meets the above criteria, then the following conditions must be met for the project to advance;

- i. Site Development Funding – improvements at some level will typically be necessary for public use of a site. A plan will be developed by Montana State Parks for the proposed acquisition defining the necessary improvements, anticipated costs, and how they would be funded.
- ii. Operational and Staffing Costs – land management involves annual maintenance costs such as fencing, weed control, and staff time. An adequate plan outlining the anticipated costs of managing a given parcel shall be required and considered prior to advancing any acquisition project.

2. Acquisition of In-Holdings and Adjacent Park Lands

Periodically there are opportunities to acquire in-holdings within or adjacent to existing park sites from willing sellers. It is recognized that these acquisitions can often resolve long-term management issues, secure or enhance public access, or protect resources for the greater benefit to the park system and an individual parks' management. These potential acquisitions shall be exempt from the criteria identified in #1 above, but will be objectively evaluated on the potential benefits that would be afforded to an existing park.

3. Misc. Easements

It shall be the Park Board policy to carefully review and consider the holding of proposed easements by the Parks Division. The Board will encourage other applicable entities to hold such easements. The Park Board may consider such easements if they enhance parks and recreation partnerships, but do not overly burden the Parks Division with administrative requirements. These easements may include, but are not limited to; easements for trails, road easements associated with a park, and similar situations.

4. Transfer of Lands or Interests in Lands

There are instances where the transfer of certain lands or interests in lands is appropriate. The situations where this may deserve consideration include;

- lands, such as the designated 'affiliated lands' which are not utilized for the primary mission of state parks;
- lands that have been determined to not meet the criteria for 'Significance', 'Relevance', and 'Accessible'.

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- those 'affiliated lands' currently managed by another governmental entity and available for public recreation;
- sites currently managed by state parks that may be better managed by another governmental entity or division within FWP;
- lands purchased as park sites but currently undeveloped.
- the criteria of an individual park or parcels' 'Significance', 'Relevance', and 'Accessible' as described above will be considered as an integral component of any transfer consideration or review.

Criteria for Land Transfers

It is acknowledged that the process for the transfer of lands currently in state ownership is not as time-or-financially sensitive as potential acquisitions. The transfer of lands may include, but is not limited to; transfer or trade to other governmental entities, transfer to the Fish and Wildlife Division to resolve other land encumbrance issues on-the-books, reversion to the original public owner should this condition exist in specific acquisition agreements, and similar means.

It is anticipated that any state park lands, or interests in lands, currently in public ownership would remain in public ownership.

Authority/Reference

23-1-101, MCA, State Parks Purpose.

23-1-102, MCA, Powers and Duties of the Department

23-1-111, MCA, Powers and Duties of the Board

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